

REMARKS

Claims 1-71 are pending in the current application. Claims 1, 13, 35, 48 and 60 are independent claims. Favorable reconsideration and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks.

Allowable Subject Matter

Initially, Applicant appreciates the Examiner's indication that claims 8-12, 18, 20-27, 29, 30, 36 and 40-43 are allowed.

Title Objection

The Examiner has objected to the title for lacking descriptiveness. By the present Amendment, the title has been changed to "WIRELESS LOCAL AREA NETWORK REPEATER CONFIGURED TO COMMUNICATE WITH A WIRELESS LOCAL AREA NETWORK WITH AN IN-BAND CONTROL CHANNEL". Applicant believes the new title is sufficiently descriptive, and requests withdrawal of this objection.

Drawing Objection

The Examiner objects to the drawings under 37 C.F.R. 1.121(d) and alleges that a bad copy of the Figures may have been submitted. Applicant directs the Examiner to the present Amendment to the drawings, which replaces each of Figure 1, 2 and 3 with clearer illustrations. Applicant believes the new Figures are sufficiently clear and satisfy 37 C.F.R. 1.121(d), and requests withdrawal of this objection.

Double Patenting Rejection

Claims 1-7, 13-17, 19, 28 and 31-25, 37-39 and 44-47 are rejected under the non-statutory obvious-type double patenting in view of claim 2 of U.S. Patent No. 7,230,935, which shares the same inventive entity and assignee as the present application.

Applicant has submitted a terminal disclaimer along with this Amendment. A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application or proceeding in which the rejection is made. *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); *In re Knohl*, 386 F.2d 476, 155 USPQ 586 (CCPA 1967); and *In re Griswold*, 365 F.2d 834, 150 USPQ 804 (CCPA 1966). The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991).

In view of Applicant's terminal disclaimer filed concurrently herewith, Applicant respectfully requests that the Examiner withdraw this rejection.

New claims 48-71

New independent claims 48 and 60 recite similar subject matter to independent claims 1, 13, and 35 and are therefore allowable for similar reasons. Further, the dependent claims 49-59 and 61-71 are allowable at least by virtue of their dependency on the above-identified independent claims. See MPEP § 2143.01. Moreover, these claims recite additional subject matter, which is not suggested by the documents taken either alone or in combination.

CONCLUSION

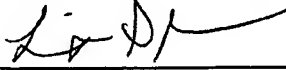
It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 CFR 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

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